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Docket Clerk, Room 4232
Office of the Chief Counsel
Federal Highway Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

FHWA-97-2277-24

Comments in Reference to:

FHWA Docket No. MC-96-6: Safety Performance History of New Drivers

The National Ready Mixed Concrete Association (NRMCA) is a national trade association representing producers of ready mixed concrete and those companies that provide materials and support to the industry. On behalf of NRMCA's more than 1,000 member companies, I ask that the following comments be included in Docket No. MC-96-6 regarding the safety performance history of new commercial motor vehicle drivers.

Requiring Employers to Obtain, Rather than Request, Information

NRMCA believes that it is impractical to require employers to obtain this information. Rather, employers should be required to request this information, as they have no control over whether former employers will respond.

Former Employers Required to Respond Within 30 Days

While NRMCA is not opposed to this requirement, we are concerned that the proposed rule does not clearly place liability with former employers who do not respond to a prospective employer's request for information within 30 days.

Prospective Employers Must Make a "Good Faith" Effort to Obtain Information

"Good faith" is a vague term, open to many interpretations. Specific examples of "good faith" efforts would help eliminate any question about being in compliance.

DOCKET MC-96-6-24
PAGE 1 **OF** 2

Investigation for the Past Three Years

The proposed rule would require motor carriers to request information from all prior motor carriers for which the prospective employee worked over the past three years. With the high level of turn-over involved in our industry, requesting information from prior employers in the last three years could involve numerous inquiries. We recommend that employers should only have to investigate back two years, if at all.

Likewise, we believe that obtaining information going back three years would be impractical, if not impossible. If the driver was discharged from a previous employer without, for example, having completed recommended rehabilitation, the tracking of this information could be lost because of a lack of continuity in employment.

Obtaining Accident Information

Having to investigate accidents involving the driver within the preceding three years is also unnecessary. If the driver still has a valid commercial driver's license, that should be sufficient evidence of his driving record. Details of every minor accident occurring up to three years ago may be difficult to remember, for both the driver and others involved. Accident reports may be impractical to track down.

Giving Drivers an Opportunity to Review and Comment on the Information Received

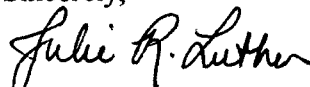
NRMCA believes that this requirement is unnecessary. If a driver has had a number of accidents, or violations of DOT rules, his comments are not likely to convince the prospective employer to hire him. Likewise, if there are no problems with the employee's driving history, then there would be nothing on which he would need to comment. This requirement would only serve to slow the hiring process without providing any significant benefit.

Costs vs. Benefits of the Proposed Rule

Although the proposed rule estimates that the associated costs would be minimal, NRMCA believes that they would be quite significant for our members. Having to re-design and re-print employment applications could create a substantial financial burden for employers. The investment of time on behalf of company personnel is also of great concern. Having to send out inquiries to more employers, follow-up on the requests for which there is no response, and investigate accidents and review log books (hours of service) to respond to other employers' inquiries all require the time of safety professionals or others on staff and, in fact, may require additional staff to be hired.

Thank you for the opportunity to comment on this proposed rule. If you need further information from NRMCA, I can be reached at (301) 587-1400 ext. 129.

Sincerely,



Julie R. Luther

Director of Government Relations

DOCKET
PAGE

mc-96-6-24
2 OF 2